

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 12TH FEBRUARY 2007 / 23RD MAGHA 1928

CrI.MC.No. 310 of 2007()

ST.79/2006 of JUDL.MAGISTRATE OF FIRST CLASS-I, THAMARASSERY

.....

PETITIONER: ACCUSED

M.SURESH BABU, S/O. P.BALAKRISHNAN NAIR,
MANATHAMPARAMBIL HOUSE, POST PUTHOOR,
MANGATE, OMESSERY.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS: COMPLAINANT & STATE

1. T.M.SREEDHARAN, REP. BY POWER OF
ATTORNEY HOLDER T.M.PREMA, W/O. T.M.SREEDHARAN,
THACHANKUZHIMANNIL HOUSE, POST PADANILAM,
ARAMBRAM, KOZHIKODE DISTRICT.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 12/02/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J

Crl.M.C.No.310 of 2007

Dated this the 12th day of February, 2007

ORDER

The petitioner faces allegations under Section 138 of the Negotiable Instruments Act. The case against him is now pending as S.T.79 of 2006 before the J.M.F.C, Thamarassery. It was earlier pending as L.P.17 of 2002. As the petitioner did not appear before the learned Magistrate, a warrant of arrest was issued against him. The petitioner now finds the warrant of arrest issued by the learned Magistrate chasing him. He therefore prays that a direction may be issued under Section 482 Cr.P.C to the learned Magistrate to release him on bail when he appears and applies for bail.

2. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. The learned Magistrate must consider such application for bail on merits, in accordance with law and expeditiously. I have no reason to assume that the learned Magistrate would not consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police** [2003(1) KLT 339].

3. This Crl.M.C is, in these circumstances, dismissed. But with the specific observation that if the petitioner surrenders before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

(R.BASANT, JUDGE)

rtr/-

